IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 25 of 2006

JAGDISH & ORS.
V/S
RAMNIWAS & ORS.

Mr. SANDEEP SARUPARIA, for the appellant / petitioner

None present for the respondent

Date of Order : 12.9.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Notice was given for final disposal but nobody appears for the respondent.

Heard learned counsel for the petitioner. Perused the impugned order. In the present case the learned trial court has refused to take on record the written statement as it was filed with some delay. However, in the totality of circumstances, in my view, when the impugned order is of 29.11.2005, and since 5.1.2006 further proceedings in the trial court are stayed by this Court, I think it appropriate to allow the written statement to be taken on record subject to payment of cost of Rs. 3,000/-.

Accordingly, the writ petition is allowed. The impugned order is set aside, and the written statement already filed is directed to be taken on record subject to payment of cost of Rs. 3000/-.

(N P GUPTA),J.

/sushil/